

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1946

Introduced by Assembly Member Corbett

February 14, 2002

An act to amend Section 1599.74 of, and to add Chapter 4 (commencing with Section 123222.1) to Part 1 of Division 106 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1946, as amended, Corbett. Written materials for patients.

(1) Existing law requires every contract of admission for a skilled nursing or intermediate care facility to contain a complete copy of specified patients' rights provisions, in legible print of no less than 10-point type.

This bill would instead require these provisions to be in legible print of no less than 12-point type.

(2) Existing law contains various provisions relating to personal health care and patient rights.

This bill would require specified printed materials that are provided to a patient by a general acute care hospital, skilled nursing, intermediate care, or nursing facility, or ~~other specified entities, and by certain health care practitioners~~ *residential care facility for the elderly*, to be printed in at least a 12-point font that is clear and legible. The bill would further require that, upon admission of a patient to a skilled nursing, intermediate care, or nursing facility, or to a general acute care

hospital, the facility shall ~~provide and explain~~ *ask if the patient wishes the facility's written policies and procedures or hospital's expectations of patients and patients' responsibilities*, and specified patient rights information, *to be provided to the patient's next of kin or agent under a durable power of attorney for health care, if known, and to provide that information if the patient so directs. The bill would also require a representative of the facility or hospital to explain these materials to the next of kin or agent under the durable power of attorney for health care, upon request.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1599.74 of the Health and Safety Code
- 2 is amended to read:
- 3 1599.74. (a) The department shall translate both the statutory
- 4 Patients' Bill of Rights, as provided in Chapter 3.9 (commencing
- 5 with Section 1599), the regulatory Patients' Bill of Rights for
- 6 Skilled Nursing Facilities (commencing with Section 72527 of
- 7 Title 22 of the California Administrative Code), and, if
- 8 appropriate, the regulatory Patients' Bill of Rights for
- 9 Intermediate Care Facilities (commencing with Section 73523 of
- 10 Title 22 of the California Administrative Code), into Spanish and
- 11 Chinese, and into other languages as needed for ethnic groups
- 12 representing 1 percent or more of the nursing home population in
- 13 the state. The department shall also translate the Patients' Bill of
- 14 Rights into ~~braille~~ *Braille* or have it recorded for the use of blind
- 15 patients, or both. These translations shall be sent to all long-term
- 16 health care facilities in the state.
- 17 (b) Every contract of admission shall contain a complete copy
- 18 of both the statutory and regulatory Patients' Bill of Rights.
- 19 Notwithstanding any other provision of law, the text of the
- 20 Patients' Bill of Rights shall be in legible print of no less than
- 21 12-point type. If a translation has been provided by the
- 22 department, the text given to non-English-speaking residents shall
- 23 be in their language.
- 24 (c) The contract shall also contain a separate written
- 25 acknowledgement that the resident has been informed of the
- 26 Patients' Bill of Rights.

Written acknowledgement by the resident or the resident's representative must be made either on a separate document or in the agreement itself next to the clause informing the resident of these regulatory rights. Written acknowledgement by use of the signature on the agreement as a whole does not meet this requirement.

SEC. 2. Chapter 4 (commencing with Section 123222.1) is added to Part 1 of Division 106 of the Health and Safety Code, to read:

CHAPTER 4. WRITTEN MATERIALS FOR PATIENTS

123222.1. (a) Notwithstanding any other provision of law, any printed materials specified in subdivision (b), that are ~~provided to a patient by a health facility or other entity licensed under Division 2 (commencing with Section 1200), by a health care practitioner licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, by a health care service plan, as defined in Section 1345, or by a health insurer~~ *provided to a patient by an employee or authorized agent on behalf of a general acute care hospital, as defined in subdivision (a) of, a skilled nursing facility, as defined in subdivision (c) of, an intermediate care facility as defined in subdivision (d) of, a nursing facility, as defined in subdivision (k) of, Section 1250, or a residential care facility for the elderly, as defined in subdivision (l) of Section 1569.2, shall be printed in at least a 12-point font that is clear and legible.*

(b) The section shall apply only to the following:

(1) Admission and discharge papers and forms from general ~~acute care hospitals, as defined in subdivision (a) of, skilled nursing facilities, as defined in subdivision (c) of, intermediate care facilities, as defined in subdivision (d) of, and nursing facilities, as defined in subdivision (k) of, Section 1250.~~ *acute care hospitals, skilled nursing facilities, intermediate care facilities, and nursing facilities.*

(2) Medical and therapeutic instructions prepared by the facility specifically for an individual upon his or her discharge ~~from any facility specified in paragraph (1).~~ *from a general acute care hospital, a skilled nursing facility, an intermediate care facility, or a nursing facility.*

~~(3) Any contract between a patient and any of the facilities specified in paragraph (1), a residential care facility for the elderly, as defined in subdivision (1) of Section 1569.2, a health care service plan, or a health insurer. This paragraph does not apply to evidence of coverage for a health maintenance organization, for consent for hospitalization, or agreement to assume financial responsibility between a patient and any of the facilities specified in paragraph (1).~~

(4) Instructions and forms for advance health care directives, as defined in Section 4605 of the Probate Code.

~~(5) Information regarding patients' rights, and policies and procedures regarding patient care.~~

~~(6) Grievance and appeals forms and instructions.~~

~~(7)~~

(5) *Information produced by the hospital or facility regarding the rights and responsibilities of patients or residents while receiving care at the hospital or facility, and regarding grievances and appeals, including forms and instructions.*

(6) Correspondence written, printed, or produced, by or on behalf of any of the facilities specified in paragraph (1), or a residential care facility for the elderly.

(c) Any entity described in paragraph (1) of subdivision (b) may continue to use its supply of materials that exists on January 1, 2003, until that supply is exhausted or until January 1, 2004, whichever occurs first, and thereafter shall comply with the requirements of this section.

(d) *The hospital's or facility's policies and procedures are specifically excluded from the requirements of this section.*

123222.2. (a) Upon admission of a patient to a skilled nursing facility, as defined in subdivision (c) of, an intermediate care facility, as defined in subdivision (d) of, or a nursing facility, as defined in subdivision (k) of, Section 1250, the facility shall ~~provide the patient's next of kin, or agent under a durable power of attorney for health care, if known, with both of the following, regardless of the patient's current cognitive status: ask the patient if he or she would like the facility to provide the patient's next of kin or agent under a durable power of attorney for health care with materials regarding patients' rights and responsibilities. If the patient states that he or she would like these materials to be provided, the facility shall do so. The materials provided by the~~

1 *facility pursuant to this subdivision shall include both of the*
2 *following:*

3 (1) Written documentation of the facility's ~~policies and~~
4 ~~procedures regarding patient care.~~ *expectations of patients and*
5 *patients' responsibilities while the patient is receiving care at the*
6 *facility.*

7 (2) A comprehensive Patients' Bill of Rights, as described in
8 subdivision (d) of Section 1599.61. Until subdivision (d) of
9 Section 1599.61 is fully implemented by the State Department of
10 Health Services, the Patients' Bill of Rights provided pursuant to
11 this subdivision shall include all of the following:

12 (A) The rights contained in Chapter 3.9 (commencing with
13 Section 1599) of Division 2.

14 (B) The resident rights applicable to skilled nursing facilities,
15 contained in Section 72527 of Title 22 of the California Code of
16 Regulations.

17 (C) The resident rights applicable to intermediate care
18 facilities, contained in Section 73523 of Title 22 of the California
19 Code of Regulations.

20 (D) The resident rights applicable to long-term care facilities
21 under Sections 483.10 to 483.25, inclusive, of Title 42 of the Code
22 of Federal Regulations.

23 (b) Upon admission of a patient to a general acute care hospital,
24 as defined in subdivision (a) of Section 1250, the hospital ~~shall~~
25 ~~provide the patient's next of kin, or agent under a durable power~~
26 ~~of attorney for health care, if any, with both of the following,~~
27 ~~regardless of the patient's current cognitive status:~~ *shall ask the*
28 *patient if he or she would like the hospital to provide the patient's*
29 *next of kin or agent under a durable power of attorney for health*
30 *care with materials regarding patients' rights and responsibilities.*
31 *If the patient states that he or she would like these materials to be*
32 *provided, the hospital shall do so. The materials provided by the*
33 *hospital pursuant to this subdivision shall include both of the*
34 *following:*

35 (1) Written documentation of the facility's ~~policies and~~
36 ~~procedures regarding patient care.~~ *expectations of patients and*
37 *patients' responsibilities while the patient is receiving care at the*
38 *hospital.*

39 (2) A comprehensive Patients' Bill of Rights, including the
40 regulatory ~~patient~~ *patients'* rights for general acute care hospitals

1 contained in Section 70707 of Title 22 of the California Code of
2 Regulations, and the rights afforded to patients under Section
3 482.13 of Title 42 of the Code of Federal Regulations.

4 ~~(e) A representative of any facility providing rules, policies,~~
5 ~~and patient rights pursuant to this section shall do the following:~~

6 ~~(1) Inform the patient that the patient may provide the contact~~
7 ~~information of his or her next of kin or agent under a durable power~~
8 ~~of attorney for health care for the purpose of requesting to have a~~
9 ~~copy of the Patients' Bill of Rights and policies and procedures~~
10 ~~sent by the health facility to his or her legal representative.~~

11 ~~(2) Explain those rules, policies, and rights to the patient's next~~
12 ~~of kin or agent under a durable power of attorney for health care,~~
13 ~~if any.~~

14 *(c) Upon the request of the patient, or of the patient's next of kin*
15 *or agent under a durable power of attorney for health care, a*
16 *representative of any facility or hospital providing patients' rights*
17 *information or other documentation required pursuant to this*
18 *section shall explain the materials provided.*

19 (d) This section shall not be construed to require the disclosure
20 of patient information that would otherwise be exempt from
21 disclosure.

